

United States District Court
Southern District of Texas

ENTERED

September 09, 2020

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

V.

3.51 ACRES OF LAND, MORE OR LESS,
SITUATE IN CAMERON COUNTY,
TEXAS; AND FRANCISCO MONTALVO,
ET AL.,

Defendant.

CASE NO. 1:08-cv-343

AGREED ORDER ESTABLISHING JUST COMPENSATION

Pursuant to the Joint Motion for Entry of Order Establishing Just Compensation signed by Plaintiff, United States of America (hereinafter “United States”), and Defendant, Ester Rodriguez Montalvo (hereinafter “Defendant”), **IT IS HEREBY ORDERED AND ADJUDGED** that:

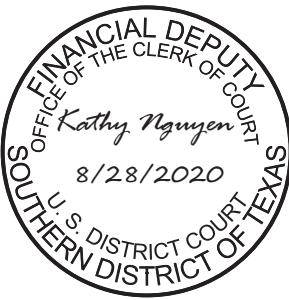
1. The full and just compensation payable by the United States for the taking of Defendant's seventy-five percent (75%) interest in Tracts RGV-HRL-3004 and RGV-HRL-3004E, is the sum of twelve thousand five hundred and 0/100 dollars (\$12,500.00), which sum is all inclusive, in full satisfaction of any and all claims of whatsoever nature by Defendant against the United States for the institution and prosecution of this action.
 2. Partial judgment is now entered against the United States in the amount of twelve thousand five hundred and 0/100 dollars (\$12,500.00) for its taking of RGV-HRL-3004 and RGV-HRL-3004E with regard to a seventy-five (75%) interest.

3. On July 1, 2008, the United States deposited twelve thousand five hundred and 0/100 dollars (\$12,500.00) into the Registry of the Court as its estimated just compensation for Tracts RGV-HRL-3004 and RGV-HRL-3004E, upon said deposit title to these Tracts vested in the United States by operation of law.
4. The parties agree that possession of the Subject Property was surrendered to the United States on September 12, 2008, after the Court granted immediate possession to the United States.
5. Defendant warrants (a) she was the owner of a seventy-five percent (75%) interest in the property taken in this proceeding on the date of taking; (b) she has the exclusive right to the compensation, herein; excepting the interests of the remaining twenty-five percent (25%) interest holders, and parties having liens, encumbrances of record, and unpaid taxes and assessments, if any; and (c) that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
6. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the seventy-five percent (75%) interest in the property taken in this proceeding, Defendant shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U. S. C. §3116 from the date of receipt of the respective deposit by Defendant, to the date of repayment into the Registry of the Court.
7. Defendant shall be responsible for her own legal fees, costs, and expenses, including attorney fees, consultant fees, and any other expenses or costs.

8. There being no outstanding taxes or assessments due or owing, Defendant is responsible for the payment of any additional taxes or assessments which she otherwise owes on the interest in the property taken in this proceeding on the date of taking.
9. Defendant shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulated judgment.
10. Defendant shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interests in the property taken in this proceeding on the date of taking.
11. This Order is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendant.
12. **IT IS HEREBY ORDERED** that the just compensation for Defendant's seventy-five percent (75%) interest in the Subject Property is twelve-thousand-five-hundred and 00/100 dollars (\$12,500.00), and this amount shall be ~~immediately~~ disbursed to Defendant Ester Rodriguez Montalvo from the funds on deposit in the Registry of the Court, together with any accrued interest earned thereon from the initial deposit date of July 1, 2008.

DONE AND ORDERED, this 9th day of September, 2020.

Fernando Rodriguez, Jr.
FERNANDO RODRIGUEZ, JR.
United States District Judge



AGREED AS TO FORM AND SUBSTANCE:

By:

Ester Rodriguez Montalvo
Ester Rodriguez Montalvo

Defendant

FOR PLAINTIFF:

Respectfully submitted,

FOR PLAINTIFF:

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Southern District of Texas

By:

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